

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 14, 2011

Agenda Item: Repeal Milltown Dam Administrative Rule

Division: Legal Unit

Action Needed: Approval of Final Rule/Action

Time Needed on Agenda for this Presentation: 5 minutes

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Background

In November 2003, the commission adopted Administrative Rule of Montana (ARM) 12.11.3963 restricting boating, sailing, floating and swimming 200 feet above the dam and 200 feet below the dam. Milltown Dam was removed in March of 2008 making ARM 12.11.3963 obsolete.

Public Involvement Process & Results

The commission approved proposing the repeal of ARM 12.11.3963 at the January 13, 2011 meeting. Notice was published in the Montana Administrative Register, Fish, Wildlife and Parks' website, and sent to interested persons as required in the Montana Administrative Procedures Act. A public meeting was held on February 23rd in Helena but nobody attended. No public comment was received during the public comment period.

Alternatives and Analysis

If the commission does not repeal ARM 12.11.3963, the obsolete rule will remain in effect.

Agency Recommendation & Rationale

FWP is recommending the commission repeal ARM 12.11.3963 removing the obsolete rule.

Proposed Motion

I move the commission repeal of ARM 12.11.3963.